IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2006

C O R A M

THE HONOURABLE MR.JUSTICE F.M. IBRAHIM KALIFULLA

Writ Petition No.7670 of 2006
and
WPMP No.8433 of 2006

A.Hari Haran ... Petitioner

Vs

The University of Madras
rep. by its Registrar,
Kamarajar Salai,
Chennai-600 005. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from holding the elections with respect to 6 members to the Madras University Syndicate by the Senate of the University from among its members and 3 members to the academic Council of the Madras University by the Senate from among its members (who are not engaged in teaching), consequentially direct the respondent to prepare a list of registered graduates who are eligible and give necessary opportunity to them to participate in the election.

For petitioner : Mr.S.Parthasarathy, Senior Counsel
for M/s.Sarvabhauman Associates.

For respondent : Mr.Kandavel Doraisami

O R D E R

Mr.Kandavel Doraisami, learned counsel takes notice for the respondent University.

2. The petitioner seeks for the issuance of a writ of mandamus to forbear the respondent from holding the elections with respect to 6 members to the Madras University Syndicate by the Senate of the University from among its members and 3 members to the academic Council of the Madras University by the Senate from among its members (who are not engaged in teaching) and consequently direct the respondent to prepare a list of registered graduates who are

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eligible and give necessary opportunity to them to participate in the election.

3. An order came to be passed by this court on 20.3.2003 in Writ Petition No.37691 of 2002. The said writ petition was for a direction to the respondent University, to forbear them from holding elections to the Syndicate by the Senate members of the Madras University either on 26.10.2002 or any other subsequent date unless and until the respondent constitutes the senate with twenty members of the representatives of the graduates and fifteen members of nominated members from scheduled caste representatives.

4. After a detailed consideration of various aspects, this Court gave the following directions in paragraph 27 which reads as under:-

> "....
>
> 27. At the same time, having regard to the conclusions already arrived at, this situation of improper democratic process arising out of a truncated body of Senate cannot be allowed to continue for ever. The vacancies are also bound to increase further in future. The defects have to be therefore removed and the vacancies which are within the control of the University have to be filled up at the earliest and bearing the same in mind, the following directions are issued:-
>
> 1. Section 12(2) (a)(9)(a) should be invoked atleast to the extent of ensuring adequate representation for SC and ST members, bearing in mind that the minimum shall be not less than ten members. The respondent herein is directed to forward a request to the Chancellor in the said context.
>
> 2. Elections have to be conducted from among the registered graduates as provided under Section 14(2)(a)(1), strictly in terms of Section 54-A as it exists today. There is no need to await any statutory amendment to Section 54-A. In the absence of any amendment, the registration of graduates shall be complied with as under Section 54-A as it stands now.
>
> 3. Vacancies arising out of other categories have to be filled up at the earliest except where the process of filling up is not under the control of the University.
>
> 4. In future, before any election is conducted to the Syndicate from and out of the members of the

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> Senate, care should be taken not to keep any vacancy unfilled other than the vacancies which are beyond the control of the University"....(Emphasis added)

In paragraph 28, the learned Judge also directed the respondent to comply with the directions given in the said order within a period of six months from the date of receipt of a copy of the order. While giving such a direction, this Court, observed as under:-

> "This Court can only hope that the administrative wing of the University wakes up from its slumber and the concerned Department of the Secretariat bestow some interest on the primary and the oldest University of this State. " (Emphasis added)

Ultimately, the writ petition was dismissed with the above observations and directions.

5. It is unfortunate that the respondent University has not woken up from its deep slumber till this date. In fact, in paragraph 27(2), it was directed that elections have to be conducted from among the registered graduates as it existed on that date . The learned Judge also made it clear that University need not wait for any statutory amendment to Section 54-A. In spite of such specific directions, it is unfortunate to note that the respondent University has not enrolled the graduates till this date. On the other hand, learned counsel for the respondent would only submit that the respondent has been knocking at the door of either the Government or filing the applications in this Court for modification of the order dated 20.3.2003. As far as the respondent's approach to the Government, according to the learned counsel, it related to a clarification as to what are all the districts with reference to which the respondent University continue to retain its control after bifurcation and the emergence of different other Universities which came into being in the year 1981, 1997 and 2002.

6. It is unfortunate that the persons in the helm affairs of the respondent University have failed to comply with the earlier directions of this Court dated 20.3.2003 in letter and spirit. Instead, they have wasted three full years by writing communications to the Government and by merely filing applications in this Court under the guise of clarification and modification. The above indifferent attitude of the respondent only discloses that they have no inclination to hold valid election by enrolling all the voters and thereby give proper representations to different sections who are to be represented in the Senate and consequently in the Syndicate. Such an attitude of the respondent University is highly condemnable. It is high time that the respondent University should be mandated to atleast to wake up now from its deep slumber as has

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been observed by this Court in the earlier order dated 20.3.2003 and comply with the said directions in its full extent.

7. With that view, while directing the respondent University to enroll the graduates of the districts which are now stated to be coming within its jurisdiction of Chennai, Kancheepuram and Thiruvallur in an accelerated manner and thereafter, fix the schedule for holding the election for the Senate as stipulated in Statute No.14 of the Madras University Act, 1923, this writ petition stands allowed. The respondent University is also directed to enroll the graduate voters from among the districts within its jurisdiction as stated above within a period of one month and thereafter, fix the necessary schedule for holding the election for the Senate and thereafter for the Syndicate in accordance with law and as directed by this Court in the order dated 20.3.2003. Consequently connected miscellaneous petition is closed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

nvsri

To

1.The Registrar,
The University of Madras
Kamarajar Salai,
Chennai-600 005.

+1cc to M/s. Sarvabhauman Associates Sr 13877
+1cc to M/s. Kandavadivel Doraisami, Advocate Sr 13845

NA (CO)
km/29.3.

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